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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAUL MARTINEZ-MORALES; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY,
Attorney General,

Respondent.

No. 08-73061

Agency Nos. A095-390-916
A095-390-917

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 20, 2009^{**}

Before: O'SCANNLAIN, SILVERMAN and BYBEE, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order denying petitioners' second motion to reopen removal proceedings.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Petitioners' motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

A review of the record and petitioners' response to the order to show cause demonstrates that the BIA did not abuse its discretion by denying petitioners' second motion to reopen as numerically barred. *See* 8 U.S.C. § 1229a(c)(7)(A); 8 C.F.R. § 1003.2(c)(2) (providing for the filing of one motion to reopen); *Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008) (BIA's ruling on motion to reopen is reviewed for abuse of discretion).

Accordingly, respondent's motion for summary affirmance is granted because the questions raised in this petition are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.